

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

FILED

DEC 23 PM 1:41
U.S. DISTRICT COURT
N.D. OF ALABAMA

TIMOTHY RAY POWELL,

Plaintiff

vs.

MADISON COUNTY COMMISSION,
SHERIFF JOE W. WHISANTE, and
LIEUTENANT ALFRED HAMMOND,

Defendants

CASE NO. CV 02-S-1554-NE

ENTERED

DEC 23 2002


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on November 18, 2002, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed without prejudice subject to plaintiff exhausting his administrative remedies under 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed without prejudice subject to plaintiff exhausting his administrative remedies pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 23rd day of December, 2002.



United States District Judge

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